

Remarks

This Preliminary Amendment is submitted with a Request for Continued Examination. Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, independent claim 9 is pending. Claims 7, 8, 10-15, and 18-24 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claim 9 has been rewritten in independent form. Support for the amendment of claim 9 can be found in cancelled claims 7, 8 and 11, *inter alia*. Claims 16 and 17 have been rewritten to depend on claim 9. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objection to the Abstract

The Examiner has objected to the abstract as allegedly not disclosing the currently claimed invention. Applicants have amended it to include the phrase suggested by the Examiner, and respectfully request that the objection be withdrawn.

Priority

Applicants have amended the specification to claim priority to U.S. Application No. 09/098,584 (the '584 application), filed June 17, 1998, which discloses the peptide

recited in claim 9 (see Table 3 of the specification of the '584 application). As this application was filed before November 29, 2000, the amendment of priority is timely. 37 C.F.R. § 1.78(a)(2)(ii).

Inventorship

Applicants thank the Examiner for correcting inventorship by the addition of Esteban Celis as petitioned on November 5, 2002. Applicants also thank the Examiner for considering the petition under the correct rule.

Applicants would like to draw the Examiner's attention to the Request to Delete Inventor Under 37 C.F.R. 1.48(b), filed herewith to delete Martin Kast, whose contribution is no longer claimed.

Declaration

The Examiner has required a new declaration deleting the disclaimed priority to 08/205,713. In accordance with 37 C.F.R. § 1.67(a), Applicants have prepared a supplemental declaration deleting the disclaimed priority and naming the correct inventors. A copy of the supplemental declaration signed by Scott Southwood and Esteban Celis are filed herewith. The complete supplemental declaration will be refiled shortly with the remaining inventors, Alessandro Sette and John Sidney. Meanwhile, Applicants respectfully request that prosecution proceed, as the delay in the filing of the declaration does not impede examination of the claims.

Information Disclosure Statement

The Examiner has not considered the Supplemental Information Disclosure Statement (IDS) filed July 7, 2002 as copies of the references were not provided. Applicants are submitting herewith copies of the published documents cited therein; however, document #142 is unpublished and not provided herewith. Applicants would also like to draw the Examiner's attention to the Second Supplemental IDS filed herewith. Consideration of the Supplemental IDS and Second Supplemental IDS is respectfully requested.

Peptides

Applicants note with appreciation that the Examiner has stated that the peptide of SEQ ID NO:4 is free of the prior art.

Rejections under 35 U.S.C. § 103

Claims 7, 8, 16, and 17 were rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Tsang *et al.* in view of Ioannides *et al.* Without acquiescing to the rejection and solely to advance prosecution, Applicants have cancelled claims 7 and 8. Applicants reserve the right to prosecute the subject of the cancelled claims in further applications. Claims 16 and 17 have been amended to depend on claim 9, and no longer recite the peptide allegedly disclosed in Tsang *et al.* Therefore, Applicants respectfully request that the rejection be withdrawn.

Objections

The Examiner has objected to claim 9 for being dependent on a rejected base claim, but noted it would be allowable if rewritten in independent form including all limitations of the base and intervening claims and the non-elected species were cancelled. Applicants have amended claim 9 to be independent and contain all limitations of the base and intervening claims. Additionally, the non-elected species have been cancelled. Applicants note that amended claim 9 inherently contains the limitations of claim 8, as the recited epitope is from p53, a cancer associated antigen. Accordingly, Applicants respectfully request that the objection be withdrawn.

The Examiner has objected to claim 11. Claim 11 has been cancelled, rendering the objection moot.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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